

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSHUA McCAVITT,

Petitioner,

v.

PATRICK COVELLO,

Respondent.

No. 2:21-cv-00774-DJC-KJN-P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed this application for a writ of habeas corpus under 28 U.S.C. § 2254. (See ECF Nos. 1 and 8.) The matter was referred to a United States Magistrate Judge under 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 1, 2022, the Magistrate Judge filed findings and recommendations that were served on all parties and that contained notice to all parties that any objections to the findings and recommendations must be filed within fourteen days. (See ECF No. 36.) Petitioner filed objections to the findings and recommendations. (See ECF No. 39.)

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations (ECF No. 36) filed December 1, 2022, are adopted in full;
2. Petitioner's application for a writ of habeas corpus (ECF Nos. 1 and 8) is denied; and
3. The Court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253 as Petitioner has not made a substantial showing of the denial of a constitutional right. See 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

Dated: August 28, 2023


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE